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February 21, 1993

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Secretary,
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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Transmitted herewith, on behalf of the 220 Mhz. Spectrum Management Association of Southern California, are the original and five copies of COMMENTS OF 220 MHZ. SPECTRUM MANAGEMENT ASSOCIATION OF SOUTHERN CALIFORNIA, PR Docket No. 92-289, for filing with the Commission.

If there are any questions, please communicate with the undersigned, at the address and telephone number indicated. Thank you.

Sincerely,


CHARLES J. ZABILSKI

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEB 24 1993

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In the Matter of:

Amendment of Part 97 of the)
Commission's Rules Governing the)
Amateur Radio Services Regarding)
Repeater and Auxiliary Operation)
in the 1.25 Meter Band.)
_____)

PR Docket No. 92-289

**COMMENTS OF
220 MHZ. SPECTRUM MANAGEMENT ASSOCIATION
OF SOUTHERN CALIFORNIA**

The 220 Mhz. Spectrum Management Association of Southern California ("SMA"), hereby submits its comments to the Notice of Proposed Rule Making, PR Docket No. 92-289, released on December 11, 1992.

These comments are filed pursuant to §1.415 of the Rules and Regulations of the Federal Communications Commission, ("Commission"), and §553(c) of the Administrative Procedure Act.¹

1. 5 USC §553(c).

I. SUMMARY OF POSITION.

The SMA considers the adoption of a rule creating a 150 Khz. subband for non repeater operation to be unnecessary, undesirable, and inappropriate in view of the Commission's previously stated position in its *Report and Order*, PR Docket No. 85-22.² The SMA believes that the appropriate creation of any subband should be accomplished voluntarily, at the local or regional level by the coordinating body or group which is best situated to consider and evaluate the competing interests and uses particular to the area served by that body or group.

In the alternative, if a subband is to be created by amending the rules, the subband should be reduced from 150 Khz. to 110 Khz. to encompass the national calling frequency at 222.100 Mhz. and all frequencies below that frequency within the 222 Mhz. band. The SMA has concluded that this 110 Khz. spectrum is adequate to protect the weak signal users from repeater operation, while minimizing the number of existing repeaters and remote bases which will be dislocated by the proposed rule.

II. PRELIMINARY STATEMENT.

The SMA is a non-profit association of amateur radio operators in southern California, dedicated to fostering interest and improving the state-of-the-art communications in the 1.25 meter (222 - 225 Mhz.) amateur band. These goals are accomplished primarily through the SMA's activities in coordinating and sanctioning the use of frequencies for repeater operation and auxiliary operation, including stations operated by remote control (remote bases), all of which uses are hereinafter collectively referred to as

2. *Report and Order*, PR Docket No. 85-22, at 8.

"systems". Coordination and sanctioning of such systems for operation on particular frequencies is performed by the eight member Frequency Coordination Board of the SMA.

The American Radio Relay League, Incorporated, ("League"), in its Petition for Rule Making, RM-7869, seeks a rule creating a subband in the 222.000 - 222.150 Mhz. segment of the 222 - 225 Mhz. band for narrowband, weak-signal operation and other non-repeater operation³. As the basis for its request, the League cites: (1) the reduction of the amateur allocation in the 220 Mhz band from five megahertz to three resulting from the Commission's reallocation⁴ of 220 - 222 Mhz.; (2) the existence of protected subbands in the six meter (50 - 54 Mhz.), two meter (144 - 148 Mhz.), and 70 centimeter (420 - 450 Mhz.) bands; and (3) the increased need to protect weak-signal operation.⁵

The League does note that repeater operators have suffered from the loss of 220 - 222 Mhz., particularly in the southern California area, however, its answer to the additional loss of repeater spectrum is to relocate such repeaters elsewhere in the band or, in the alternative, for these stations "to go off the air", an action the League characterizes as "bear[ing] a small share of the loss".⁶ Whether a repeater operator forced to "go off the air" would characterize this as a small share of the burden is certainly open to discussion.

3. Petition for Rule Making, RM-7869, at 1.

4. *Report and Order*, Docket 87-14, 3 FCC Rcd. 5287 (1988).

5. Petition for Rule Making, RM-7868, at 5.

6. *Id.*

III. THE PROPOSED AMENDMENTS ARE UNNECESSARY AND INAPPROPRIATE.

The League specifically proposed amending Sections 97.201(b) and 97.205(b) of the Commission's rules by proscribing operation in the 222.000 - 222.150 Mhz. band by repeaters and auxiliary stations.

It is a fact that the SMA's band plan differs from that promulgated by the League and this is not a recent nor abnormal occurrence, as the SMA has noted differences in League band plans in previous filings with the Commission.⁷ These differences arise because the League seeks to set forth general policy guidelines, whereas the SMA is directed, *inter alia*, to "recommend, coordinate and sanction frequencies for simplex, repeaters, remote bases, auxiliary links, control channels, and other needs",⁸ and towards that end must be governed more by local conditions and problems than by general policy considerations. Indeed, even the League has agreed that the band plans of local coordinating groups should prevail over the League's band plan when it stated:

"The ARRL supports regional frequency coordination efforts by amateur groups. Band plans published in the ARRL *Repeater Directory* are recommendations based on a consensus as to good amateur operating practice on a nationwide basis. In some cases, however, local conditions may dictate a variation from the national band plan. In these cases, the written determination of the regional frequency coordinating body shall prevail and be considered good amateur operating practice in that region." (*The ARRL Repeater Directory, 1991-92 Edition*, at 26).

The League's Petition in RM 7869 contradicts the League's frequently published and long held policy stated above.

7. See Comments of the SMA, PR Docket No. 85-22, at 16.

8. Art. II(c), 220 Mhz. Spectrum Management Association of Southern California Constitution.

The Commission's previously articulated position does not favor the creation of a subband. As to uniform band plans, the Commission in its *Report and Order* for PR Docket No. 85-22, stated:

"We will not adopt rules to formulate national band plans or to require them. As a general proposition, we favor voluntary band plans over Commission-Imposed subbands in the Amateur service. Rule mandated band plans may result in inflexibility, increased enforcement burdens and greater regulatory burdens." (*Report and Order*, PR Docket No. 85-22, at 8).

All of the factors which the Commission had concluded militated against the imposition of rules creating subbands hold true today. Inflexibility would inevitably result from adoption of the subband proposal. In many areas of the country, severe over utilization of the 222 Mhz. band is not occurring, and the local and voluntary reservation of 150 Khz. or even 500 Khz. of the band for weak-signal use would have no practical impact on the remaining portion of the band. Such is not the case in southern California. Local coordinating groups require flexibility in order to perform coordination duties in an efficient manner. Considerations of competing uses such as FM simplex and packet, utilize a significant portion of the 222 - 225 Mhz. band. Flexibility is what the SMA, and other local coordinating groups, require in its coordination duties and this flexibility would suffer a severe blow if the Commission adopts a rule creating a weak signal subband.

In a period of deregulation, sufficient cause does not exist to undertake more regulation. In addition, the Commission's position in its *Report and Order*, PR Docket No. 85-22,⁹ disfavors the regulation of subbands. This is correctly stated and should be followed in the instant proceeding.

9. *Report and Order*, PR Docket No. 85-22, at 8.

IV.
**IF A RULE CREATING A WEAK SIGNAL SUBBAND IS TO BE
ADOPTED, SUCH A SUBBAND SHOULD BE REDUCED TO 110 Khz
TO MINIMIZE THE DISLOCATION TO EXISTING REPEATER
OPERATION.**

The SMA has formed a committee of representatives of repeater owners and weak signal users. After a series of committee meetings the SMA's Frequency Board has concluded that the voluntary creation of a 110 Khz subband from 222.000 Mhz. to 222.110 Mhz. would adequately protect the weak signal users and the national calling frequency at 222.100 Mhz. At the same time the relocation of existing repeaters and remote base systems requiring relocation would be minimized.

If a rule creating a subband is to be adopted, the committee's work in minimizing the impact to existing systems should not be discarded where the goal of protecting weak signal use can be achieved by a less burdensome alternative such as a 110 Khz. subband.

V.
CONCLUSION.

The SMA considers the League's proposal, requesting that the Commission create a 150 Khz. subband for weak-signal use, as unnecessary and inappropriate in view of the contradiction of this proposal with the League's long standing and often published policy of recognizing that the band plans adopted by regional frequency coordinating bodies shall prevail over those of the League. The Commission correctly and prudently declined¹⁰ the invitation to mandate, by rule, the creation of subbands, instead favoring voluntary band plans. The same result should follow in the instant proceeding.

10. *Report and Order*, PR Docket No. 85-22, at 8.

While the SMA does not object to the local amateur community reserving 150 Khz. or even 1.5 Mhz. for weak-signal as a voluntary matter, the SMA does not believe that the creation of a weak-signal subband should be addressed by the Commission in the rule making process, given the inherent lack of flexibility and increased regulatory burden that would result from such rule making. The Commission recognized these problems and averted them in its *Report and Order*.¹¹

In the alternative, should the Commission believe that rule making is required to create a subband free from repeater use, the SMA requests that this subband be reduced to 110 Khz. in order to minimize the impact to existing repeaters and other systems which will have to relocate to other parts of the band, or other bands.

For the reasons stated above, the SMA requests that the Commission **not amend** the rules to create a weak signal subband in the 1.25 meter band or in the alternative that such subband be reduced from 150 Khz. to 110 Khz.

Respectfully submitted,

220 Mhz. Spectrum Management
Association of Southern California

By: Charles J. Zabilski
Charles J. Zabilski
Member of the Frequency
Coordination Board.

Dated: February 21, 1993

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11. *Id.*